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Notice of Allowability	Application No.	Applicant(s)	
	10/783,412	BULOW, SVEN	
	Examiner	Art Unit	
	Jerrold Johnson	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic approval of Examiner's Amendment given 14 November 2006.
2. ☒ The allowed claim(s) is/are 1,2,5-9,11-16 and newly added claims 17-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given telephonically by Michael Trenholm on 14 November 2006. The new claim language, drafted by the Examiner, defines over the prior art of record.

The application has been amended as follows:

Claim 1, line 9, immediately after "have", the following recitation is inserted:

—first and second portions having different cross-sectional shapes so as to define--.

Claim 8 has been amended exactly as claim 1, although the inserted recitation is in line 10 in this claim.

Claim 15 has also been amended exactly as claim 1, although the inserted recitation is in line 10 in this claim.

The resulting recitation in claims 1, 8 and 15 are identical and now read "wherein said first connecting means or said second connecting means have first and second portions having different cross-sectional shapes so as to define an asymmetric structure or form,".

Claim 1, line 16, after "means", first occurrence, a comma is inserted [.,].

Additionally, claim 4 is cancelled as the recitation of claim 4 is identical and thus redundant to what is set forth in claim 1, from which claim 4 depends.

Finally, the following new three claims 17-19 have been added:

17. (new) The modular array arrangement according to claim 1, wherein said first and second portions comprise first and second arms.

18. (new) The modular array arrangement according to claim 8, wherein said first and second portions comprise first and second arms.

19. (new) The method of preparing a modular array arrangement according to claim 5, wherein said first and second portions comprise first and second arms.

The following is an examiner's statement of reasons for allowance:

With respect to Buchholz et al. US 4,785,953 the rib 34 that extends from the "D" shape perimeter of the insert has a continuous cross-sectional shape around entirety of the "D" shape perimeter. Accordingly, although the "D" shaped rim 34 may be said to be asymmetrical or symmetrical (it appears that there would be a single axis about which the "D" shape is symmetrical, although this is not a certainty), it is certain that

there is no recitation in the disclosure of this reference that suggests that any portion of the rib varies from a continuous cross-section.

Accordingly, the claims define over the reference to Bucholz.

With respect to Stevens et al. US 5,358,871, this reference, in Figs. 7-9, shows a carrier and insert arrangement. The carrier includes upstanding tabs 152 that are engaged by slots disposed within the flanges of the insert. The slotted insert flange is not asymmetrical in form, nor does it have first and second portions having different cross-sectional shapes. Additionally, neither the slot, nor the tabs prevent an incorrect insertion of the insert. The insert can be incorrectly inserted unlike the presently claimed invention.

Accordingly, the claims define over the reference to Stevens. This reference to Stevens was not addressed in detail previously during the examination of the application.

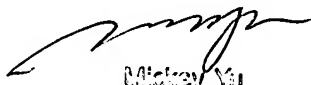
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JDJ


Mickey Yu
Supervisory Patent Examiner
Group 2728